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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,135	11/12/2003	Wayne T. Holcombe	P1978US	6222
54384 7590 11/27/2007 FRANCISSEN PATENT LAW, P.C. 53 W. JACKSON BLVD SUITE # 1320 CHICAGO, IL 60604				
			EXAMINER DAO, MINH D	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,135

Applicant(s)

HOLCOMBE ET AL.

Examiner

MINH D. DAO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,15-20 and 30-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,15-20 and 30-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/31/07 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Miyashita (US 6,415,159).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,5,6,15,18,30,34-36,40,41 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyashita (US 6,415,159).

Regarding claim 1, Miyashita teaches a transmitter circuit (see fig. 3, items 3,5,7), the transmitter circuit comprising: a storage section for storing operating parameters (see fig. 3, items 13,44); a transmitter section configured to transmit a signal having characteristics determined by the operating parameters (see fig. 3, items 3,5,7); an external data store (see fig. 3, items 13,44); and an internal controller (see fig. 3, item 40), the internal controller being configured to operate the transmitter section in accordance with the operating parameters, where the internal controller senses a state of an input terminal to determine whether an external controller is present or not present, where the internal controller operates to receive and store the operating parameters from the external controller when the external controller is present, and where the internal controller operates to access the external data store to obtain the operating parameters when the external controller is not present and store the operating parameters in the storage section (see figs. 3,4; col. 2, line 13 to col. 3, line 22; col. 4, line 64 to col. 6, line 42). In this case, the determination whether a SIM card has been inserted or not reads on "the sensing whether or not the external controller is present", and the reading of storage data from the SIM in order to activate the GMS mode reads on the "the internal controller operates to receive and store the operating parameters from the external controller" of the present invention.

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Regarding claim 5, Miyashita teaches the transmitter circuit is configured to interface with the external data store using a pre-determined interface (see fig. 3, connection from the memories 13 and 44 to the radio nit 5 and transmission/reception unit 3 via the control unit 40).

Regarding claim 6, Miyashita teaches the pre-determined interface is a serial interface (see fig. 3, connection from the memories 13 and 44 to the radio nit 5 and transmission/reception unit 3 via the control unit 40).

Regarding claim 15, the rejection of claim 1 is herein incorporated. In addition, the PHS mode reads on the "stand-alone mode" of the claim.

Regarding claims 18,30,36 the claims include limitations as that of claim 1, and therefore are interpreted and rejected for the same reason set forth in the rejection of claim 1.

Regarding claims 34,40, the claims include limitations as that of claim 5, and therefore are interpreted and rejected for the same reason set forth in the rejection of claim 5.

Regarding claims 35,41, the claims include limitations as that of claim 6, and therefore are interpreted and rejected for the same reason set forth in the rejection of claim 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4,16,17,19,20,31-33,37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita (US 6,415,159) in view of Tatebayashi et al. (US 6,859,535).

Regarding claim 2, Miyashita, as mentioned above, teaches the limitations of claim 1 regarding receiving operating parameters from an external party. However, Miyashita does not mention receiving a first input signal corresponding to a first event and, responsive thereto, access a first portion of the external data store. Tatebayashi, in an analogous art, teaches a memory card reader that reads a partial contents of an encrypted content sent by a storing unit by a command (see fig. 4-6; col. 12, lines 3-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Tatebayashi to Miyashita so that the combined system to only obtain the required or needed operating parameters in order to save time and space in the memory to store the obtained information.

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Regarding claim 3, the claim includes limitations as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Regarding claim 4, the combination of Miyashita and Tatebayashi teaches the first event corresponds to a user input (see Miyashita, col. 3, line 45 to col. 5, line 19).

Regarding claims 16,19,31,37, the claims include limitations as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Regarding claims 17,20,32,38, the claims include limitations as that of claim 3, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 3.

Regarding claims 33,39, the claim include limitations as that of claim 4, and therefore are interpreted and rejected for the same reason set forth in the rejection of claim 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MINH DAO
AU 2618

A handwritten signature in black ink, appearing to read "Minh Dao", is written over the typed name and unit number.